



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: December 14, 2016

CBCA 5328

PV OLD TOWN DELAWARE, LLC,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Christopher R. Sillari and Jeffrey B. Baird of Finch, Thornton & Baird, LLP, San Diego, CA, counsel for Appellant.

David G. Fagan, Office of General Counsel, Department of Veterans Affairs, Portland, OR, counsel for Respondent.

Before Board Judges **VERGILIO**, **GOODMAN**, and **KULLBERG**.

**KULLBERG**, Board Judge.

On December 7, 2016, the parties submitted to the Board executed copies of a joint motion for judgment on stipulated settlement. The parties requested that the Board enter judgment in the amount of \$242,941, with payment to be made through the judgment fund in accordance with 31 U.S.C. § 1304 (2012) and 41 U.S.C. § 7108. Rule 25(b) (48 CFR 6101.25(b) (2015)). The parties have agreed that they will not seek appeal of, reconsideration of, or relief from, the Board's decision, and that each party will be responsible for its costs, attorney fees, and expenses incurred in the litigation of this appeal. Additionally, the parties have stipulated, in accordance with the Contract Disputes Act

(CDA), 41 U.S.C. §§ 7101-7109 (2012), that interest on the amount of \$242,941 will begin to accrue on January 5, 2017, if payment is not made by that date.

Decision

The Board **GRANTS IN PART** the appeal. In accordance with the parties' joint motion, the Board awards appellant, PV Old Town Delaware, LLC, the stipulated settlement amount of \$242,941, together with any CDA interest that may accrue on that amount, if payment is not received by January 5, 2017. Rule 25(b).

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H. CHUCK KULLBERG  
Board Judge

We concur:

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JOSEPH A. VERGILIO  
Board Judge

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ALLAN H. GOODMAN  
Board Judge